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FISH AND WILDLIFE SERVICE

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HUNTERS WARNED ON SHOOTING GAME-FARM MALLARDS IN WILD

Hunters taking mallard ducks which have been reared in captivity but released for restocking purposes into natural habitats must count these birds in their bag and possession limits the same as any wild duck, Secretary of the Interior Douglas McKay warned today.

In shooting such birds, hunters must also conform to seasons, method of taking, and all other elements of the Federal waterfowl hunting regulations as prescribed for each flyway.

In issuing this warning today, Secretary McKay said it was being done to "safeguard any individuals who might unknowingly be harvesting these pen-reared birds in violation of the Federal regulations."

The Secretary went on to explain that in some States sportsmen and the State conservation agencies have been carrying on restocking programs which used mallards raised under domesticated conditions in order to help increase waterfowl populations. In previous years, such operations have been so conducted that they did not conflict with State or Federal hunting regulations.

This year, however, a number of such restocking efforts have been conducted in Ohio under conditions which have discouraged or prevented the birds from adapting themselves to a wild environment. In most instances a planned program of feeding has so pauperized the birds that they have become dependent on placed feed and thoroughly accustomed to the presence of humans. Although they are free of restraint, they continue to live under a measure of human control and their potential value as decoys is considerable.

In all cases where these game-farm mallards have been released into the wild, the Fish and Wildlife Service has taken the position that the birds immediately assume the status of wild populations and consequently must be harvested in accordance with applicable Federal regulations.

The Service's position on this matter is set forth in the following statement by Director John L. Farley:

"Having administratively conveyed wild status to such birds immediately upon their release into the wild, the question now arises as to whether or not these same birds can retain any degree of domestic-personal property status which would permit unrestricted use of the birds without reference to Migratory Bird Treaty Act regulations. Obviously, it would be inconsistent with our interpretation of the wild status of these birds to permit recovery of such birds by hunting before the opening of the waterfowl season. Consequently, those individuals apprehensive of

involvement under the live decoy regulation who now want to recover the birds should do so without recourse to shooting or live-trapping (other than drive-trapping). It appears to us that to attempt recovery of these birds by any other means would be entirely inconsistent with the determination that these birds have wild status and are subject to Federal regulations. As a matter of fact, the suggestion that recovery may be permissible even by the limited means mentioned above is based almost entirely on the reasoning that birds which can be picked up manually or herded into an enclosure are still under complete control and technically have not been released into the wild. Also, it is possible that the Ohio State Game Code (Sec. 1533.73) and regulations of other States may prohibit recovery by any means. In any event Ohio State regulations appear specifically to prohibit shooting such birds outside the season prescribed for taking wild waterfowl.

"Obviously, it is not only possible but probable that even after efforts are made to retrieve those birds over which the operator exercises this high measure of control, there will remain as a part of all of these releases a residual number of birds which, while free-flying and semi-wild, will have tremendous values as live decoys. Providing club owners and others who have made such releases make an honest effort to shoot released birds in the course of their normal hunting operations, and through such an effort indicate that they are hunting released birds and not using them, consideration of these facts will be made in the enforcement of the live decoy regulation. If, on the other hand, there is evidence that an effort is being made to preserve the released stock and select only wild birds attracted by them to the area, all convincing cases of violation of the live decoy regulation will be handled in the usual manner.

"It is the sincere desire of the Fish and Wildlife Service to clarify the detail of Federal regulations and their application, and to suggest means whereby individuals who appear to be in jeopardy might deal with their problem. At the same time, we must accept the fact that the program was not developed in the Service and was never approved by the Service. Consequently, in embarking upon the program of mallard releases, participants in the Ohio endeavor knew they were assuming a certain risk in that conflict with Federal laws might develop."

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